

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Env-Dw 901 (currently Env-Ws 420)

1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:	<u>RSA 485-C:4, I, II, and IV</u>
	3. Federal Authority:	<u>n/a</u>
	4. Type of Action:	
	Adoption	<u>X</u>
	Amendment	<u> </u>
	Repeal	<u> </u>
	Readoption	<u> </u>
	Readoption w/amendment	<u>X</u>

5. Short Title: Groundwater Reclassification Rules

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Ws 420, establish the criteria and procedures for groundwater reclassification and management of wellhead protection areas and other locally important groundwater, as authorized under RSA 485-C. The rules specify application procedures, informational requirements, and the obligations of reclassification required of those local entities requesting reclassification to protect existing or future groundwater sources of drinking water. The rules are proposed to be readopted and redesignated as Env-Dw 901 as part of the larger redesignation effort currently underway at the Department. The rules also are being revised to clarify and refine the requirements, add definitions to clarify when a groundwater management permit is required under RSA 485-C:13, III(a), and allow for greater efficiency and accuracy in both the public notification process and potential contamination source data management.

6. (b) Brief description of the groups affected:

The rules affect entities such as water suppliers, cities/towns, village districts, and other duly-constituted municipal units (such as planning boards or conservation commissions) that apply for groundwater reclassification or that are responsible for implementing a potential contamination source management program.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Dw 901.01-.04	RSA 485-C:1
Env-Dw 901.05	RSA 485-C:1-2
Env-Dw 901.06	RSA 485-C:5
Env-Dw 901.07	RSA 485-C:9, II & III
Env-Dw 901.08-.09	RSA 485-C:9, V(a)
Env-Dw 901.10	RSA 485-C:9, IV
Env-Dw 901.11	RSA 485-C:9
Env-Dw 901.12	RSA 485-C:9, VI
Env-Dw 901.13	RSA 485-C:9, II(a)
Env-Dw 901.14	RSA 485-C:9, III(a)

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6. (c) *continued:*

Rule Section(s)	State Statute(s) Implemented
Env-Dw 901.15	RSA 485-C:1
Env-Dw 901.16-.17	RSA 485-C:8, II
Env-Dw 901.18	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Debra Sonderegger	Title:	Program Planner I
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-2862
		Fax#:	(603) 271-0656
		E-mail:	dsonderegger@des.state.nh.us
	The rules also can be viewed in PDF at http://www.des.nh.gov/Rulemaking/	TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Monday August 21, 2006**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, August 9, 2006, at 10:00 a.m.**

Place: Room 110, DES Offices, 29 Hazen Drive, Concord, NH

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 06:104 , dated 6/23/06

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not create, modify, or expand any program in a way that requires expenditures by political subdivisions. No political subdivisions are required to apply to reclassify groundwater. Political subdivisions that choose to apply to reclassify groundwater may incur some additional costs over the existing rules due to the requirement to submit certain data in electronic format. However, many political subdivisions already maintain this data electronically; for those that do not, a waiver is available if the requirement would cause financial hardship. The rules thus do not violate Part I, Article 28-a of the N.H. Constitution.